

REMARKS

Applicant respectfully requests re-examination and reconsideration of the present application in view of the reasons that follow.

Status of Claims:

Claims 1-42 are pending in the application. However, previously, claims 3-7, 14-16, 19-29, and 36-38 were withdrawn from further consideration by the examiner under 37 CFR 1.142(b) as being drawn to a non-elected invention. Claims 19-29 are cancelled herein without prejudice or disclaimer, to expedite the allowance of the application with the remaining claims. Accordingly, claims 1-18 and 30-42 are pending.

In the Office Action dated February 20, 2008, claims 1, 2, 8-13, 17, 18, 30-35 and 39-42 were rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi (U.S. Patent Publ. No. 2004/0212923). That rejection is respectfully traversed as discussed below. As no further objections or rejections were raised, it is respectfully submitted that the claims are in condition for allowance.

Response to Claim Rejections:

Claims 1, 2, 8-13, 17, 18, 30-35 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi (U.S. Patent Publ. No. 2004/0212923).

This rejection is respectfully traversed at least because Taguchi is not “prior art” to the present application. In particular, Taguchi is a published U.S. patent application that was filed in the U.S. on March 19, 2004 (and published on October 28, 2004). The U.S. filing date of Taguchi is after the U.S. filing date (of November 5, 2003) of the present application. Thus, the filing date of the present application pre-dates the effective date of Taguchi.

While Taguchi claims priority on a Japanese application (JP 2003-124116) that was filed on April 28, 2003, that Japanese filing date would not constitute “prior art” to the present application. “[T]he foreign priority date of the reference ... cannot be used to antedate the application filing date.” (See, e.g., MPEP 2136.03). Furthermore, the present application claims priority on a provisional application (Ser. No. 60/424,583) that was filed on November 7, 2002,

which is before the Japanese priority date relied upon by Taguchi. Thus, not only is Taguchi's Japanese filing date not prior art to the present application, it is also noted that the priority date claimed for the present application pre-dates Taguchi's claimed Japanese priority date.

Accordingly, claims 1, 2, 8-13, 17, 18, 30-35 and 39-42 are believed to be in condition for allowance and the rejection of those claims as being anticipated by Taguchi is respectfully traversed. Claims 3-7, 14-16 and 36-38 are each dependent (directly or indirectly) on a claim within the above-noted group of claims believed to be allowable. Accordingly, it is requested that claims 3-7, 14-16 and 36-38 be allowed with claims 1, 2, 8-13, 17, 18, 30-35 and 39-42.

Concluding Remarks:

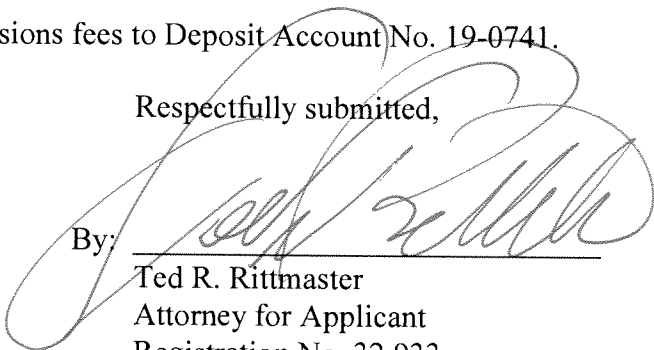
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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